

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

Alto Maipo Delaware, LLC, *et al.*

Debtors.<sup>1</sup>

Chapter 11

Case No. 21-11507 (KBO)

(Jointly Administered)

**Re: Docket No. 378**

**DECLARATION OF BENJAMIN S. BELLER IN SUPPORT OF THE SURREPLY OF  
SPECIALLY-APPEARING MINERA LOS PELAMBRES IN SUPPORT OF ITS  
LIMITED OBJECTION AND RESERVATION OF RIGHTS TO THE DEBTORS' (I)  
MOTION TO ASSUME POWER PURCHASE AGREEMENT AND (II) MOTION TO  
ENFORCE THE AUTOMATIC STAY**

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I, Benjamin S. Beller, hereby declare the following in support of the *Surreply of Rights of Specially-Appearing Minera Los Pelambres In Support of Its Limited Objection and Reservation of Rights to the Debtors' (I) Motion to Assume Power Purchase Agreement and (II) Motion to Enforce the Automatic Stay*, filed contemporaneously herewith (the "Reply"): <sup>2</sup>

1. I am an associate of the law firm Sullivan & Cromwell LLP, U.S. counsel to Minera Los Pelambres ("MLP"), specially-appearing through its counsel solely for the purposes identified in the Surreply and *Limited Objection and Reservation of Rights of Specially-Appearing Minera Los Pelambres to the Debtors' (I) Motion to Assume Power Purchase Agreement and (II) Motion*

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<sup>1</sup> The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's tax identification number in the jurisdiction in which it operates are: Alto Maipo SpA (761-2) (Chile) and Alto Maipo Delaware LLC (1916) (Delaware). The location of the corporate headquarters and the service address for Alto Maipo SpA is Los Conquistadores 1730, Piso 10, Santiago, Chile.

<sup>2</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Reply.

*to Enforce the Automatic Stay* [Dkt. No. 378] (the “Limited Objection and ROR”).<sup>3</sup>

2. I am over eighteen years of age, of sound mind, and am otherwise competent to make this Declaration. This Declaration is based on my personal knowledge, information and belief and my review of the exhibits referenced below.

3. Attached hereto as **Exhibit A** is a true and correct copy of a mailing from Prime Clerk relating to the Debtors’ Bar Date, dated February 18, 2022.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: March 23, 2022

/s/ Benjamin S. Beller

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<sup>3</sup> This Declaration incorporates herein by reference all of the reservations of rights set forth in the Limited Objection and ROR as if fully set forth herein, including, without limitation, that the filing and submission of this Declaration is not in any way a submission by MLP to the jurisdiction or authority of this Court for any purpose and shall not constitute an admission, waiver or consent by MLP of any arguments, rights, claims, actions, defenses, setoffs, recoupments, or other matters of MLP of any kind, whether under any agreements, at law, in equity, or otherwise, including, without limitation, the matters expressly addressed herein. The use of the term “Debtors” herein is for convenience only as the Debtors collectively purport to move for relief. By use of the term “Debtors,” MLP is not conceding the existence of any relationship with or rights of AM Delaware.